

or strengthened as aforesaid, it shall be the duty of the official referees, to inspect the same, or in default thereof the said parts may be covered up;—and, upon completion of every such building, it shall be the duty of the architect or builder to give fresh notice to the official referees, according to the form (No. 7) in the Schedule of Notices, or to the like effect, and thereupon, or within 7 days after such notice, it shall be the duty of the official referees to survey the same:—and if upon such survey, it shall appear that such building has been built sufficiently strong, and is sufficiently set to be used, then within 14 days after such survey it shall be their duty, and they are hereby required, to certify accordingly, which certificate must be under their hands and the seal of office of Registrar of Metropolitan Buildings;—and, until such certificate shall have been made, or until 14 days after such survey shall have elapsed without the official referees having given notice in writing that they are not satisfied, it shall not be lawful to use such building for any purpose whatever without the express authority in writing of the official referees under their hands and the seal of office of the Registrar of Metropolitan Buildings;—and if, before the certificate of satisfaction shall have been made, or if such further 14 days as aforesaid shall have elapsed without due notice being given in writing as aforesaid, any such building subject to special supervision shall be used for any purpose without such express authority in writing, then, on conviction thereof before two justices of the peace, the occupier of such building or other the person by whom such building shall be so used, shall forfeit for each offence a sum not exceeding 200*l.* for every day during which such building shall be so used without having obtained such certificate of satisfaction, or such express authority as aforesaid;—and in determining the amount of any such penalty, the justices shall have regard to the size and character of the building, and to the nature and extent of danger involved in the use of such building, and to the amount of profit which might be derived from such use thereof. s. 15.

**Official referees.** Special supervision of buildings in Schedule B, Part I.—before the builder begins to build it shall be the duty of the architect or the builder to give notice thereof to the official referees, and also, at the same time, to transmit for their inspection the plans, elevations, and other drawings which have been made for the same; and forthwith the official referees shall proceed to survey the situation of the intended building, to ascertain whether such building can be erected on such situation with due regard to the security of the public; and during the progress of such building, such official referees shall inspect the same to ascertain the sufficiency thereof; and if such building or any part thereof appear to such official referees defective, insufficient, or insecure, they shall give to such architect or builder notice of such parts as shall appear to them defective, insufficient, or insecure, which notice must be in writing;—upon the receipt of such notice it shall be the duty of the said architect or builder to amend and strengthen such defective, insufficient, or insecure parts; and during or within a period of 7 days after notice has been given to the official referees that such works have been amended or strengthened; the official referees shall inspect the same, or in default thereof the said parts may be covered up;—and upon completion of every such building it shall be the duty of the architect or builder to give fresh notice to the official referees; and thereupon, or within 7 days after such notice, the official referees shall survey the same; and if upon such survey it shall appear that such building has been built sufficiently strong, then it shall be their duty to certify accordingly, which certificate must be under their hands and the seal of office of Registrar of Metropolitan Buildings;—and until such certificate shall have been made, or until 14 days after such survey shall have elapsed without the official referees having given notice in writing that they are not satisfied, it shall not be lawful to use such building for any purpose whatever without the express authority in writing of the official referees under their hands and the seal of office of the Registrar of Metropolitan Buildings;—and if before the certificate of satisfaction shall have been made, or if such 14 days shall have elapsed without due notice in writing being given, any such building be used for any purpose without such express authority in writing, then, on conviction thereof before two justices of the peace, the occupier or other person by whom such building shall be so used shall forfeit for each offence a sum not exceeding 100*l.* for every day during which such building shall be so used without having obtained such certificate of satisfaction or such express authority as aforesaid;—and in determining the amount of such penalty, it shall be the duty of the justices to have regard to the nature and extent of danger involved in the use of such building, and to the amount of profit which might be derived from such use thereof. s. 16.

**Official referees to determine between parties.** In cases of appeal from the district surveyors, the difference of costs and expenses of performing works according to this Act, and which may be contrary to any existing building contract. s. 9.

**Official referees are,** upon the requisition of any lessee or tenant, under any existing building lease, or agreement (14 days previous notice being given to the lessor and other owners), to ascertain what loss, present and prospective, has been occasioned by the observance of the provisions of this Act, and having regard to the respective terms and interests of the lessee or tenant, the lessor and other owners of such building, and having regard to any profit,

benefit, or advantage which may have accrued to such lessee or tenant, since the execution of such lease or agreement, and which may appear to the said official referees not to have been in the contemplation of the parties to such lease or agreement at the time of such execution thereof as aforesaid,—to determine whether he is entitled to any and what compensation, whether by payment of money or reduction of rent, or both, or otherwise;—and on the receipt of such requisition, and on proof of due notice thereof having been given to the lessor and other owners of such building, it shall be the duty of such official referees to proceed and ascertain if any and what loss has been so occasioned, having regard to such terms, interest, profit, benefit, or advantage as aforesaid, to determine if any and what compensation is to be paid in respect thereof, and by whom, and in what proportions;—and their decision in the matter shall be final. s. 10.

**Official referees to fix from time to time the rates and prices according to which accounts for work and materials in party structures are to be made out.** s. 47.

**Official referees to have delivered to them at their office a copy of every account for party structures done by their authority.** s. 47.

**Official referees to settle contributions of all parties liable to bear the expenses of party structures.** s. 50.

**Official referees, if within 10 days from the delivery of any account for party structures any party dissatisfied with the proportion of the amount thereof charged to him, appeal to, or if in cases of want of due consent, such account be delivered to the official referees, it shall be their duty to examine such account, and to certify whether they approve or disapprove of the items thereof, and whether the rates and prices are duly charged, and whether the proportion of the account charged to the party appealing be duly charged, and also to appoint how and by whom the expenses of such examination are to be borne, and also to appoint the time or times at which the amount of such account and of such expenses payable by any party are to be paid;—and if they certify their disapproval, or the charges are not duly made, or the amount fairly apportioned with regard to the party appealing, then, before any demand is made or any proceedings are taken thereon, the account must be amended, and again examined by the official referees, and certified as aforesaid;—and if the official referees certify their approval, then at the time or times appointed by the said official referees it shall be lawful for the person entitled to such costs and expenses to demand the amount thereof. s. 47.**

**Official referees to settle, in case of dispute, the proportions of the materials of party-walls when pulled down, and of the site, belonging to each owner where an external wall has been built against such party-wall.** s. 30.

**Official referees to order district surveyor to survey and certify state of ruinous buildings, upon the respective application of himself and of the overseers,—to cause copy of certificate to be transmitted to the Court of Lord Mayor and Aldermen of the city of London, or to the overseers in other places,—and if the Lord Mayor and Aldermen, or the overseers, appeal against such certificate, the official referees are themselves to survey, certify, and award in the case as they deem fit.** s. 40.

**Official referees to award reasonable compensation to be paid to adjoining parties for loss by reason of the rebuilding of a sound party-wall not condemned.** s. 26.

**Official referees, on application of either party, are to determine and certify the expense which an owner may claim of an adjoining one who, after notice, has himself neglected to stop up any opening in an external wall made without consent in writing.** s. 37.

**Official referees to decide proportions and receipts of division of surplus arising from sale of materials of ruinous buildings.** s. 41.

**Old and new buildings.** See *Buildings, new and old*, relative to general regulations.

**Old foundations, buildings erected upon.** See *Buildings, new and old*, for general regulations relative thereto.

**Old materials, value of, to be allowed for in claims for the recovery of costs of party structures.** s. 46.

**Opening in external walls abutting on other premises, stoppage of.** If, without the consent in writing of the owner of any ground or building, any opening be made in any such wall, it shall be lawful for such owner, to require the owner of the premises in which such opening shall be made to stop up the same with brick or stone-work, as the case may be, according to the form (No. 5) in the Schedule of Notices, or to the like effect; and if within one calendar month after such notice such stoppage be not effected, then it shall be lawful for such owner, either by himself or his workmen, with tools, implements, and materials, to cause such opening so to be stopped,—and he is also entitled to be repaid the costs thereof; and with regard to such costs, as far as relates to the adjustment thereof, if such owner refuse to make payment, or if there be any dispute as to the amount thereof, then, on application for the purpose to the official referees, by either of the parties concerned, it shall be lawful for the person by whom they have been incurred, to refer the matter of such dispute to the official referees, and to have their determination thereon;—and it shall be the duty of such official referees to give to the applicant a certificate in relation thereto;—and if any party liable to pay any sum of money under such certificate fail to do so, then it shall be lawful for the party entitled to such costs to recover the same in the manner hereinafter provided for the recovery of the costs,

charges, and expenses of executing any works in pursuance of this Act. s. 37.

**Openings in party-walls may be made whereby two or more dwelling-houses shall be united.** And with regard to any dwelling-houses which when so united will contain more than 14 squares, if such dwelling-houses shall be and continue to be in the same occupation, then upon its being declared by the official referees that in their opinion the stability and security from fire of any or either of such dwelling-houses will not be endangered by making such openings, they may be made accordingly. Schedule D, Part IV.

**Openings in party-walls, to buildings of the 2nd class, must not be made wider than 6 ft. nor higher than 8 ft. unless in each case, and upon special evidence of necessity for convenience or otherwise, the official referees shall previously authorize larger openings.** And the door, jamb, and head of every such opening must be composed of brick or stone, or iron-work, throughout the whole thickness of the wall; and every such opening must have a strong wrought-iron door on each side of the party-wall, fitted and hung to such opening without wood-work of any kind; and such doors must not be less than 4 in. thick in the panels thereof; and each of such doors must be distant from the other not less than the full thickness of the party-wall. Schedule C, Part IV. District surveyor's fee for inspecting formation of openings in party-walls; 10*s.* not chargeable where the ordinary fees for building, or addition, or alteration, are paid.

**Orders.** See *Removal of Into Superior Courts*.

**Other districts, surveyors of particular districts to act in when specially appointed thereto by the official referees.** s. 68.

**Oven.** See *Close fires*.

**Overseers.** See *Parish (the word)*.

**Overseers of parishes and official referees to cause copies of proclamation made in the London Gazette to be fixed on the doors of the churches and chapels within any parish 3 weeks before the Council take into consideration the extending of the limits of the operation of the Act to any other place within 12 miles from Charing-Cross.** s. 4.

**Overseers of the poor, of every parish or place within his district,—every district surveyor is, immediately upon his appointment, and from time to time upon every change of his residence or of his place of business, or oftener if required, to make a return to, and to the Registrar of Metropolitan Buildings, of his name and place of abode, and the place where such office shall be.** s. 72.

**Overseers, upon receiving information of any building being in a ruinous and dangerous condition, shall, with the district surveyor respectively, apply forthwith to the official referees to authorize a survey to be made thereof; and the official referees shall direct the surveyor to make such survey; and such surveyor shall act in all respects as in the case of a survey of party-walls;—and upon the receipt of the certificate of the surveyor, the official referees shall cause a copy thereof to be transmitted, if the premises be within the city of London, to the Court of Lord Mayor and Aldermen, and if they be elsewhere, to the overseers of the poor of the parish or place to which such premises shall be;—thereupon such Mayor and Court of Aldermen, and overseers, shall cause with all convenient speed such ruinous building to be securely shored, or a proper and sufficient board to be put up for the safety of all passengers,—and to cause notice in writing to be given to the owner of such building to repair or pull down the same or any part thereof, as the case may require, within 14 days thereafter ensuing;—and if within the said 14 days the repair or demolition be not begun, and be not completed as soon as the nature of the case will admit, then, on a declaration being made before the said Lord Mayor or a Justice of the peace of such notice having been so given, the said Lord Mayor and Court of Aldermen, out of the cash in the chamber of London, and every such Overseer out of the money in his hands, with all convenient speed, shall order and cause such building, or such part thereof so certified to be in a ruinous and dangerous condition as shall be necessary for the safety of the passengers, to be repaired or pulled down, or secured in such manner as shall from time to time be requisite; but if such Lord Mayor and Aldermen, or such overseers, appeal against such certificate, the official referees shall proceed to survey, to certify, and to award in all respects as in the case of an appeal from the certificate of the surveyor with reference to party-walls or internalised buildings; and if such official referees certify that the said premises are ruinous and dangerous, it shall be the duty of the said Lord Mayor or the said overseers to repair or pull down such building. s. 40.**

**Overseers to receive and return, if claimed within 6 years, surplus arising from sale of materials of ruinous buildings without the city and liberties of London.** s. 41.

**Owner (the word) to apply generally to every person in possession or receipt either of the whole or of any part of the rents or profits of any ground or tenement, or in the occupation of such ground or tenement, other than as a tenant from year to year, or for any less term, or a tenant at will.** s. 2.

**Owner, adjoining.** s. 20.

**Owner, building.** s. 20.

**Owner or occupier, present or future,—two justices may levy by distress on the goods of, the amount of deficiency after sale of materials, to defray the expense of surveys, appeal, boarding, repairing, securing, and pulling down ruinous buildings.** s. 42.